

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

3:14-CV-733

**ROBERT PALENCAR, d/b/a
Uptown Limousine Services,**

Defendant.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This action was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to Magistrate Judge Peebles's Report and Recommendation [dkt. # 7] have been filed, and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice.

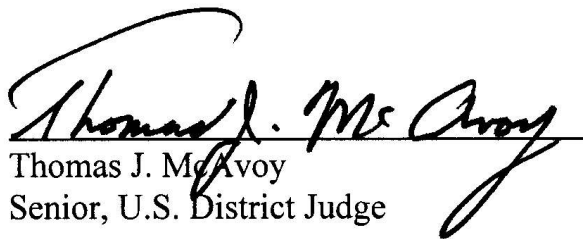
III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report and Recommendation [dkt. # 7] for the reasons stated therein. Based on Plaintiff's failure to arrange for service of process on

Defendant, and in consideration of the factors relevant to dismissal under Rule 41(b) of the Federal Rules of Civil Procedure, the Plaintiff's complaint is **DISMISSED, WITHOUT PREJUDICE, FOR FAILURE TO PROSECUTE.**

IT IS SO ORDERED.

Dated:December 19, 2014


Thomas J. McAvoy
Senior, U.S. District Judge